

ASSEMBLY BILL

No. 2132

Introduced by Assembly Member Carter

February 18, 2010

An act to amend Section 399.12 of the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2132, as introduced, Carter. Renewable energy resources.

The Public Utilities Act imposes various duties and responsibilities on the Public Utilities Commission with respect to the purchase of electricity and requires the commission to review and adopt a procurement plan and a renewable energy procurement plan for each electrical corporation pursuant to the California Renewables Portfolio Standard Program. Existing law defines various terms for purposes of the program.

This bill would make a technical, nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 399.12 of the Public Utilities Code is
2 amended to read:
3 399.12. For purposes of this article, the following terms have
4 the following meanings:
5 (a) "Conduit hydroelectric facility" means a facility for the
6 generation of electricity that uses only the hydroelectric potential

1 of an existing pipe, ditch, flume, siphon, tunnel, canal, or other
2 manmade conduit that is operated to distribute water for a
3 beneficial use.

4 (b) “Delivered” and “delivery” have the same meaning as
5 provided in subdivision (a) of Section 25741 of the Public
6 Resources Code.

7 (c) “Eligible renewable energy resource” means an electric
8 generating facility that meets the definition of “in-state renewable
9 electricity generation facility” in Section 25741 of the Public
10 Resources Code, subject to the following limitations:

11 (1) (A) An existing small hydroelectric generation facility of
12 30 megawatts or less shall be eligible only if a retail seller or local
13 publicly owned electric utility owned or procured the electricity
14 from the facility as of December 31, 2005. A new hydroelectric
15 facility is not an eligible renewable energy resource if it will cause
16 an adverse impact on instream beneficial uses or cause a change
17 in the volume or timing of streamflow.

18 (B) Notwithstanding subparagraph (A), a conduit hydroelectric
19 facility of 30 megawatts or less that commenced operation before
20 January 1, 2006, is an eligible renewable energy resource. A
21 conduit hydroelectric facility of 30 megawatts or less that
22 commences operation after December 31, 2005, is an eligible
23 renewable energy resource so long as it does not cause an adverse
24 impact on instream beneficial uses or cause a change in the volume
25 or timing of streamflow.

26 (2) A facility engaged in the combustion of municipal solid
27 waste shall not be considered an eligible renewable resource unless
28 it is located in Stanislaus County and was operational prior to
29 September 26, 1996.

30 (d) “Procure” means that a retail seller or local publicly owned
31 electric utility receives delivered electricity generated by an eligible
32 renewable energy resource that it owns or for which it has entered
33 into an electricity purchase agreement. Nothing in this article is
34 intended to imply that the purchase of electricity from third parties
35 in a wholesale transaction is the preferred method of fulfilling a
36 retail seller’s obligation to comply with this article or the obligation
37 of a local publicly owned electric utility to meet its renewables
38 portfolio standard implemented pursuant to Section 387.

39 (e) “Renewables portfolio standard” means the specified
40 percentage of electricity generated by eligible renewable energy

1 resources that a retail seller is required to procure pursuant to this
2 article or the obligation of a local publicly owned electric utility
3 to meet its renewables portfolio standard implemented pursuant
4 to Section 387.

5 (f) (1) “Renewable energy credit” means a certificate of proof,
6 issued through the accounting system established by the Energy
7 Commission pursuant to Section 399.13, that one unit of electricity
8 ~~was~~ *has been* generated and delivered by an eligible renewable
9 energy resource.

10 (2) “Renewable energy credit” includes all renewable and
11 environmental attributes associated with the production of
12 electricity from the eligible renewable energy resource, except for
13 an emissions reduction credit issued pursuant to Section 40709 of
14 the Health and Safety Code and any credits or payments associated
15 with the reduction of solid waste and treatment benefits created
16 by the utilization of biomass or biogas fuels.

17 (3) No electricity generated by an eligible renewable energy
18 resource attributable to the use of nonrenewable fuels, beyond a
19 de minimis quantity, as determined by the Energy Commission,
20 shall result in the creation of a renewable energy credit.

21 (g) “Retail seller” means an entity engaged in the retail sale of
22 electricity to end-use customers located within the state, including
23 any of the following:

24 (1) An electrical corporation, as defined in Section 218.

25 (2) A community choice aggregator. The commission shall
26 institute a rulemaking to determine the manner in which a
27 community choice aggregator will participate in the renewables
28 portfolio standard program subject to the same terms and conditions
29 applicable to an electrical corporation.

30 (3) An electric service provider, as defined in Section 218.3,
31 for all sales of electricity to customers beginning January 1, 2006.
32 The commission shall institute a rulemaking to determine the
33 manner in which electric service providers will participate in the
34 renewables portfolio standard program. The electric service
35 provider shall be subject to the same terms and conditions
36 applicable to an electrical corporation pursuant to this article.
37 Nothing in this paragraph shall impair a contract entered into
38 between an electric service provider and a retail customer prior to
39 the suspension of direct access by the commission pursuant to
40 Section 80110 of the Water Code.

- 1 (4) “Retail seller” does not include any of the following:
- 2 (A) A corporation or person employing cogeneration technology
- 3 or producing electricity consistent with subdivision (b) of Section
- 4 218.
- 5 (B) The Department of Water Resources acting in its capacity
- 6 pursuant to Division 27 (commencing with Section 80000) of the
- 7 Water Code.
- 8 (C) A local publicly owned electric utility.